

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, OCTOBER 14 1986

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING October 14 A.D., 19 86,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,
GIAQUINTA P, HENRY P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT: None

COUNCILMAN: , , ,

THE INVOCATION WAS GIVEN BY

THE MINUTES OF THE LAST REGULAR September 23, 19 86,

 , 19 ,

SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its

Regular Session, held on Tuesday
the 14th day of October, 1986,
that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

SANDRA E. KENNEDY, CITY CLERK

COMMUNICATIONS FROM THE MAYOR

September 24, 1986

To the Common Council
Gentlemen and Mrs. Bradbury:

Today, September 24, 1986, I have approved the following ordinances and resolutions passed by the Common Council at this regular meeting of September 23, 1986

(Bill No. R-86-009-10)
DECLARATORY RESOLUTION NO. R-65-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 8000 Bluffton Road, Fort Wayne, Indiana 46809. (Bowmar Instrument Corporation/Aerospace Division, Petitioner)

(Bill No. R-86-09-12)
DECLARATORY RESOLUTION NO. R-66-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as Conastoga Drive, Centennial Industrial Park, Fort Wayne, Indiana. (Fort Wayne Foundry Corp.; Machining Division Cole Patter & Engineering Co., Inc., Petitioner)

(Bill No. R-86-09-14)
DECLARATORY RESOLUTION NO. R-67-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 1311 E. Wallace, Fort Wayne, Indiana 46803. (Miller Stamping & Tool, Inc., Petitioner)

(Bill NO. R-86-09-02)
RESOLUTION NO. R-68-86

RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, authorizing the application for 25 Section 8 Certificates

(Bill No. Z-86-07-20)
ZONING MAP ORDINANCE NO. Z-12-86

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-31, N-35, O-31 & O-35

(Bill No. Z-86-08-29)
ZONING MAP ORDINANCE NO. Z-13-86

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-18

(Bill No. S-86-09-03)
SPECIAL ORDINANCE NO. S-154-86

AN ORDINANCE approving Change Order No. 1 for Res. 5989-83, Barr Street Improvements, Alternate II, with L.W. Dailey, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-09-04)
SPECIAL ORDINANCE NO. S-155-86

AN ORDINANCE approving Change Order No. 1 for Res. 5989-83, Barr Street Improvements - Base Bid, with L.W. Dailey, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-09-05)
SPECIAL ORDINANCE NO. S-156-86

AN ORDINANCE approving Change Order No. 1 (FINAL) for Water Contract 86-XP-2, West Jefferson Blvd., with All Star Construction & Excavating, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-86-09-06)
SPECIAL ORDINANCE NO. S-157-86

AN ORDINANCE approving Water Contract 86-XP-5 - Ardmore Avenue Water Main, between Land Excavating, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. X-86-09-07)
ANNEXATION ORDINANCE NO. X-06-86

ANNEXATION ORDINANCE annexing certain territory commonly known as the Merak Area to the City of Fort Wayne, Indiana, and including same in the Councilmanic District No. 5

(Bill No. R-86-09-08)
RESOLUTION NO. R-69-86

A RESOLUTION of the Common Council of the City of Fort Wayne,
Indiana setting forth the policy of the City of Fort Wayne,
Indiana in regard to the Merak Annexation

Respectfully yours,

Win Moses, Jr.
Mayor



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

2 October 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a strip of public right-of way (alley).

The proposed ordinance is designated as:

BILL NO. G-86-09-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of October 1986.

Melvin O. Smith
Secretary

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance

DETAILS

Specific Location and/or Address

(Approximately 200 Block of East Main St)
A 5 foot strip of land running E/W between
Lots 88 & 89 in the Original Plat of Ft Wayne

Reason for Project

To allow for possible construction of a
new downtown office building.

Discussion (Including relationship to other Council actions)

15 September 1986 - Public Hearing

Gary Cappelli, representing the Keenan
Development Co., Inc., stated that they
are the developer of a new downtown office
building to be located at the corner of
Main Street and Barr Street. He stated
that the reason for the requested vacation
is because the building will be built
across this strip of land.

There was no one present who wished to
speak in favor of or in opposition to the
proposed vacation.

22 September 1986 - Business Meeting

Motion was made to return the ordinance
to the Common Council with a DO PASS
recommendation, motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Keenan Development Co., Inc. City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 22 August 1986

Projected Completion or Occupancy

Date 25 September 1986

Fact Sheet Prepared by

Date 25 September 1986

Patricia Biancaniello

Reviewed by

Date

26 September 1986

Shirley Banton

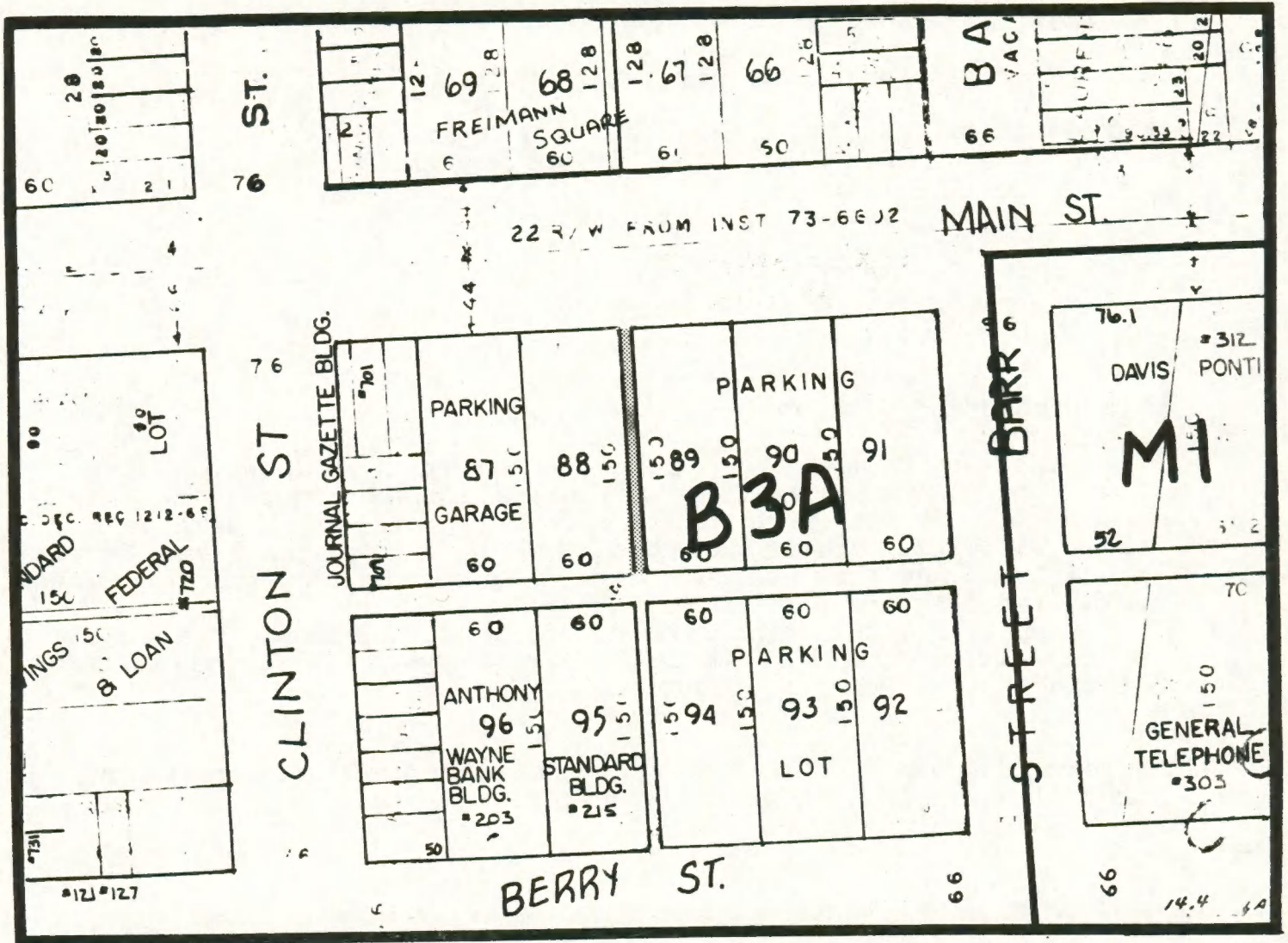
Reference or Case Number

VACATION PETITION #219

A PETITION TO VACATE THE DESCRIBED PORTION OF ALLEY.

MAP NO. N-7

COUNCILMANIC DISTRICT NO. 1



ZONING:

B3A GENERAL BUSINESS 'A'
MI LIGHT INDUSTRY

LAND USE:

6-86-09-18

SCALE: 1" = 161'

DATE: 8-29-86



Proposal: Gary Cappelli, for Keenen Development Co., Inc.
request the vacation of a portion of an alley.

Location: In the 200 block of East Main Street

Legal: See file

Zoning: B-3-A

Land Area: Approximately 750 square feet

Surroundings:	North	B3A	Freiman Square (park)
	South	B3A	Offices & parking
	East	B3A	Parking
	West	B3A	Parking garage

Reason for Request: To allow construction of a multi-story
office building.

Planning Staff Discussion:

The petitioned alley is only five feet wide, which underlines the lack of need to be maintained for continued growth and safety of the City. No other parties appear to be affected by this petition, other than the petitioner and the associated property owners, and there does not appear to be a need to use this five feet for ingress or egress.

Approval would allow the potential development of a multi-story office building, which would encourage the revitalization of the Central Business District.

Recommendation: Do Pass, contingent upon the petitioner providing utility easements as needed.

WHEREAS, KEENAN DEVELOPMENT CO., INC. an Indiana Corporation has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

A strip of land uniformly five (5) feet in width lying between Main Street on the north and the fourteen (14) foot alley on the south thereof lying between Lots Numbered 89 and 88 in the original plat of Fort Wayne, according to the plat thereof recorded in Deed Record 4, page 169, in the Office of the Recorder of Allen County, Indiana, as shown and reserved as such according to said plat.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, H. James Halper, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held October 1, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 1st DAY OF October 1986

FORT WAYNE BOARD OF PUBLIC WORKS

H. James Haley
Acting Director of Public Works


Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, KEENAN DEVELOPMENT CO., INC. an Indiana Corporation has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

A strip of land uniformly five (5) feet in width lying between Main Street on the north and the fourteen (14) foot alley on the south thereof lying between Lots Numbered 89 and 88 in the original plat of Fort Wayne, according to the plat thereof recorded in Deed Record 4, page 169, in the Office of the Recorder of Allen County, Indiana, as shown and reserved as such according to said plat.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 15, 1986 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 22 September 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 2 DAY OF October 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Melvin O. Smith
Secretary



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 September 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-07-27

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of September 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

FACT SHEET

2-86-01-21

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to R-3

DETAILS

Specific Location and/or Address

903 E. Cook Road

Reason for Project

WITHDRAWN AT REQUEST OF PETITIONER

Discussion (Including relationship to other Council actions)

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)

Richard & Minota Bidlack
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☐ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditio
(See Details column for conditic

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pa

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date June 16, 1986

Projected Completion or Occupancy

Date September 25, 1986

Fact Sheet Prepared by

Date September 25, 1986

Patricia Biancaniello

Reviewed by

Date

Gary Carter
Reference or Case Number

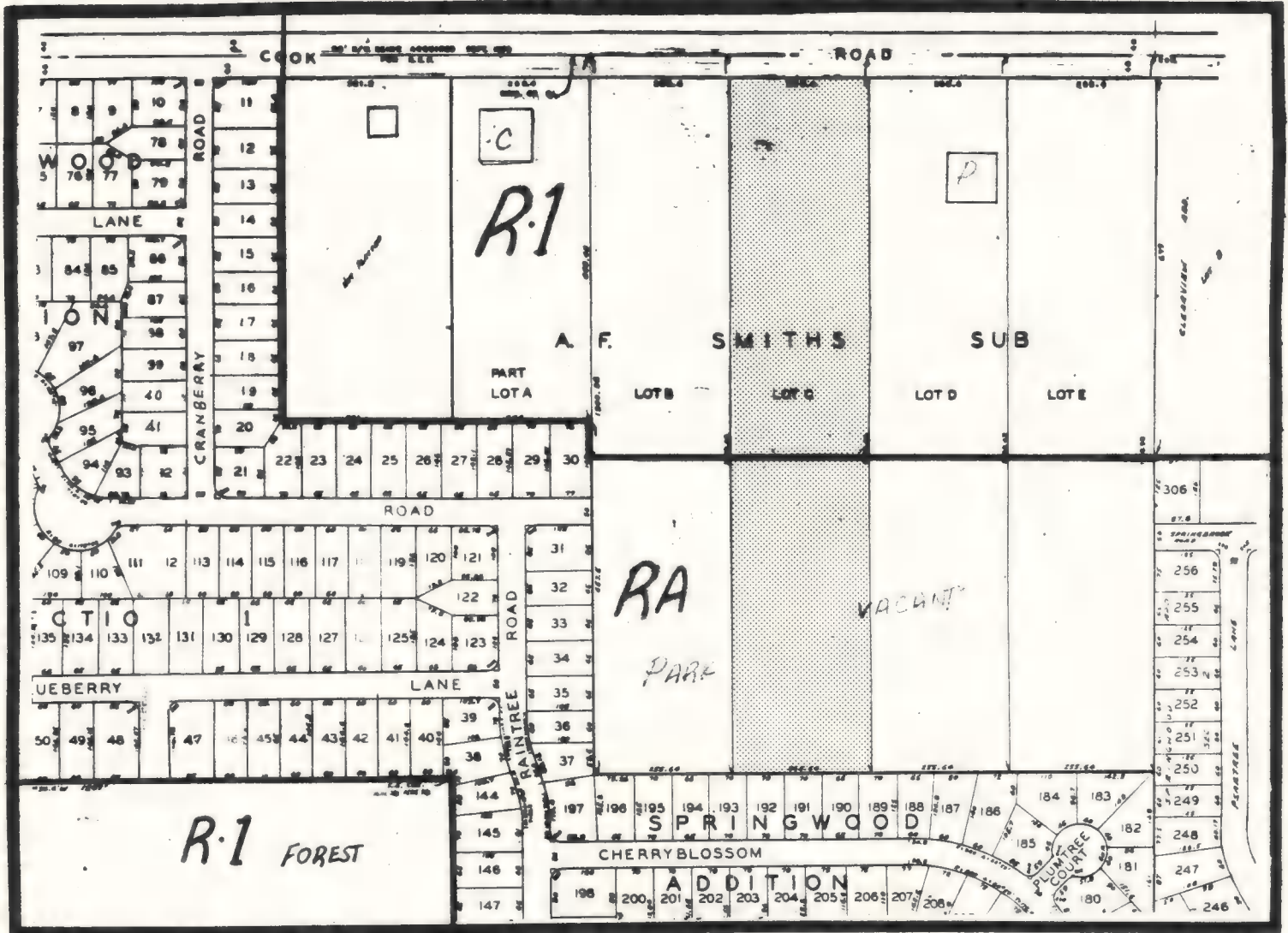
September 26, 1986

REZONING PETITION #207

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO AN R-3 DISTRICT.

MAP NO. N-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
RA RESIDENCE 'A'

LAND USE:

□ SINGLE FAMILY
C COMMERCIAL
P PUBLIC - SCHOOL

SCALE: 1" = 243'

85

DATE: 7-1-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-07-27: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 15, 1986; and

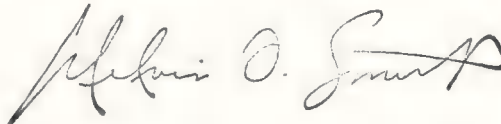
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 22, 1986.

Certified and signed this
25th day of September 1986.



Melvin O. Smith
Secretary

Thomas A. Swihart
Attorney at Law

710 Lincoln Bank Tower
Fort Wayne, Indiana 46802

TELEPHONE 219 422-9402

September 17, 1986

City Plan Commission
City County Building
Fort Wayne, Indiana 46802

ATTN: Wayne O'Brien

In Re: Rezoning Application of R & M
Bidlack, 903 E. Cook Road

Dear Wayne:

Pursuant to our telephone conversation of September 17, 1986, this letter is to advise that I will appear on behalf of Mr. and Mrs. Bidlack at the September 22nd meeting at 7:00 o'clock P.M. and reiterate our request that our rezoning petition be withdrawn from consideration. As I indicated to you, when the petition was submitted, Cardinal Industries had advised us they would not consider the land for any development unless the property could be rezoned to R-3. However, Cardinal was unwilling at that time to invest any effort or money into engineering or a proposed site plan to make approval of the petition more realistic. We realized that we would have a real uphill battle with the requested zoning.

Subsequently, Cardinal Industries has come back to us with some new people, and advised that they were willing to work with us and the appropriate city departments to rough out a site plan that would be acceptable to everyone with an RA zoning designation.

Under the circumstances, it seems appropriate to recognize that an RA zoning may satisfy everyone involved, whereas the R-3 has received inter-departmental objection because of the lack of control; therefore, we believe it to be in everyone's best interest to withdraw our petition and submit a new request to rezone the real estate to RA at such time as preliminary site plan discussions have been satisfied with the various departments and representatives of Cardinal Industries or other interested developer.

My appreciation for your continued courtesies and cooperation afforded by your department to me and my clients.

Very truly yours,



Thomas A. Swihart

TAS:mc



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 September 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-09-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of September 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

1001 STREET

4-00-07-10

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From R-2 to M-1

DETAILS

Specific Location and/or Address

2924 Gay Street

Reason for Project

To allow for storage and parking of trucks.

Discussion (Including relationship to other Council actions)

15 September 1986 - Public Hearing

James Prosser, petitioner stated he was requesting the rezoning in order to allow him to store three 2-ton dump trucks on the subject property. He stated that he lives adjacent to the lot in question and wants to be able to keep an eye on his equipment. Mr. Prosser stated that he has been storing the trucks there since 1974, but was recently cited for doing so when someone called and complained about the noise. Mr. Prosser stated that he had gone around to some of the neighbors in the area and they signed a petition stating that they were not opposed to the rezoning.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

James & Mary Prosser

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☐ For

☒ Against

Reason Against
-constitute spot zoning
-cause further deterioration in area

Board or Commission Recommendation

By

☐ For

☒ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

22 September 1986 - Business Meeting

Motion to return the ordinance to the Common Council with a DO NOT PASS was made and passed.

Of the 7 members present 6 voted in favor of denial - one did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 11 August 1986

Projected Completion or Occupancy

Date 25 September 1986

Fact Sheet Prepared by

Patricia Biancaniello

Date 25 September 1986

Reviewed by

Gary Baxter

Date

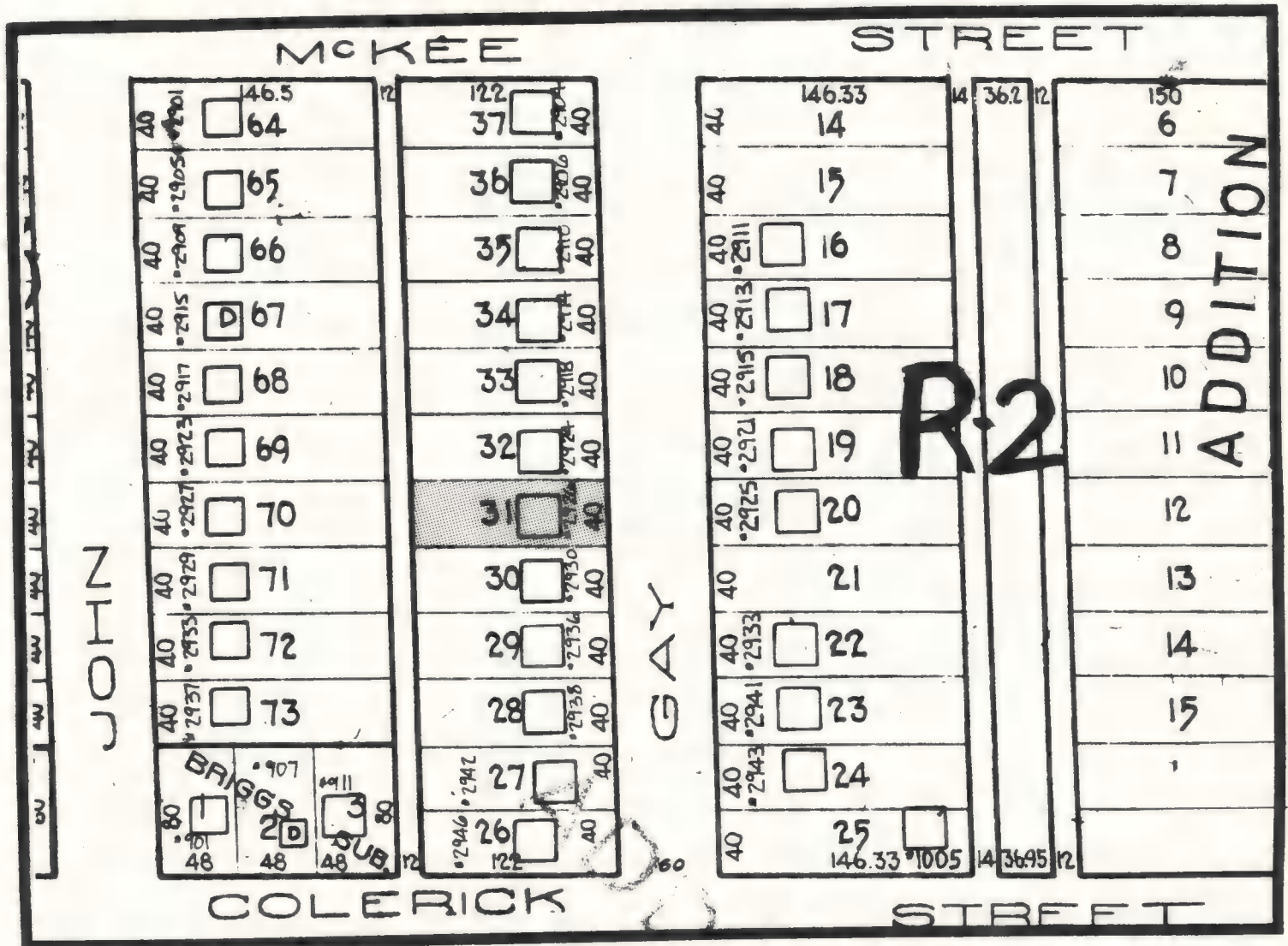
26 September 1986

Reference or Case Number

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 TO A M-1 DISTRICT.

MAP NO. N-7

COUNCILMANIC DISTRICT NO. 1



ZONING:

R-2 RESIDENTIAL DISTRICT

LAND USE:

- ☐ SINGLE FAMILY
- ☒ DUPLEX

Z-86-09-16

SCALE: 1"=100'

DATE: 8-28-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 23, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-09-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 15, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

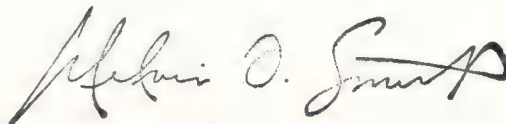
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 22, 1986.

Certified and signed this
25th day of September 1986.



Melvin O. Smith
Secretary

Proposal: James and Mary Prosser request a change of zone from R-2 to M-1.

Location: 2924 Gay Street
Legal: Lot 31 Industrial Park Addition
Zoning: R-2
Land Area: Approximately .11 Acres
Surroundings: North R-2 Residential
South R-2 Residential
East R-2 Residential
West R-2 Residential

Reason for Request: Space for storage / parking of trucks.

Comprehensive Plan: The General Land Use Policy of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. There are three main goals for the Central Area, where this request is located; 1) to maintain existing development; 2) to halt deterioration and 3) to encourage reinvestment.

Planning Staff Discussion:

Although this area has properties that are vacant, or in disrepair, the overall integrity of residential development and use is still being maintained. The requested M-1 zoning is a low intensity industrial classification, which would have adverse affects on the surrounding properties, and would encourage similar petitions in like areas.

This request if approved would constitute a 'spot zone' as no other industrial classification is in the immediate area. Approval would also allow for further deterioration of the area, contrary to the intent of the Comprehensive Plan.

While we understand Mr. Prossers concern for the safety of his vehicles, there are more appropriate land parcels available for his intended uses.

Recommendation: Do Not Pass

1) Approval is contrary to the intent of the Comprehensive Plan in that it would adversely affect the residential uses in the area.

2) Approval would encourage similar petitions in similar areas, which, if approved would weaken the effectiveness of the Compre-

hensive Plan.

3) Approval would add to the possible deterioration of this residential area by allowing industrial uses to infiltrate.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

25 September 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-08-28

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of September 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

4-00-08-28

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

From B-1-B to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1718 East Paulding Road

Reason for Project

Owner wishes to rent property for uses that would require a B-3-B District.

Discussion (Including relationship to other Council actions)

15 September 1986 - Public Hearing

David Lybarger, petitioner and owner, stated that he had purchased the property in a rundown condition and has upgraded it for the purpose of a commercial rental. He stated that he has had several people interested in renting the property, but so far the uses have required a B-3-B district. He stated he has had such requests from people who want to use the property for an antique store, a picture framing shop, a cooking school, used car sales and a bartending school, all of which he stated require a B-3-B District.

Ben Eisbart read a letter of opposition into the record stating that it had been signed by 5 property owners in the area.

Georgian Hoevel stated that she was opposed to the higher zoning classification. She stated that she felt this requested zoning would include a multitude of uses that would be detrimental to the area.

Ben Eisbart questioned if she were

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

David Lybarger

City Department

Other

Opponents

Groups or Individuals

Georgian Hoevel

Basis of Opposition

-higher classification would be detriment to area

Staff Recommendation

☐ For

☒ Against

Reason Against

-adverse impact on area
-would create spot zone

Board or Commission Recommendation

By

☐ For

☒ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

opposed to any of the uses mentioned.

Ms. Hoevel stated she was not. She stated however that she was opposed to the higher zoning designation.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

22 September 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 7 members present 6 voted in favor of denial one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 18 July 1986

Projected Completion or Occupancy

Date 25 September 1986

Fact Sheet Prepared by

Date 25 September 1986

Patricia Biancaniello

Reviewed by

Date

Gary Bello

26 September 1986

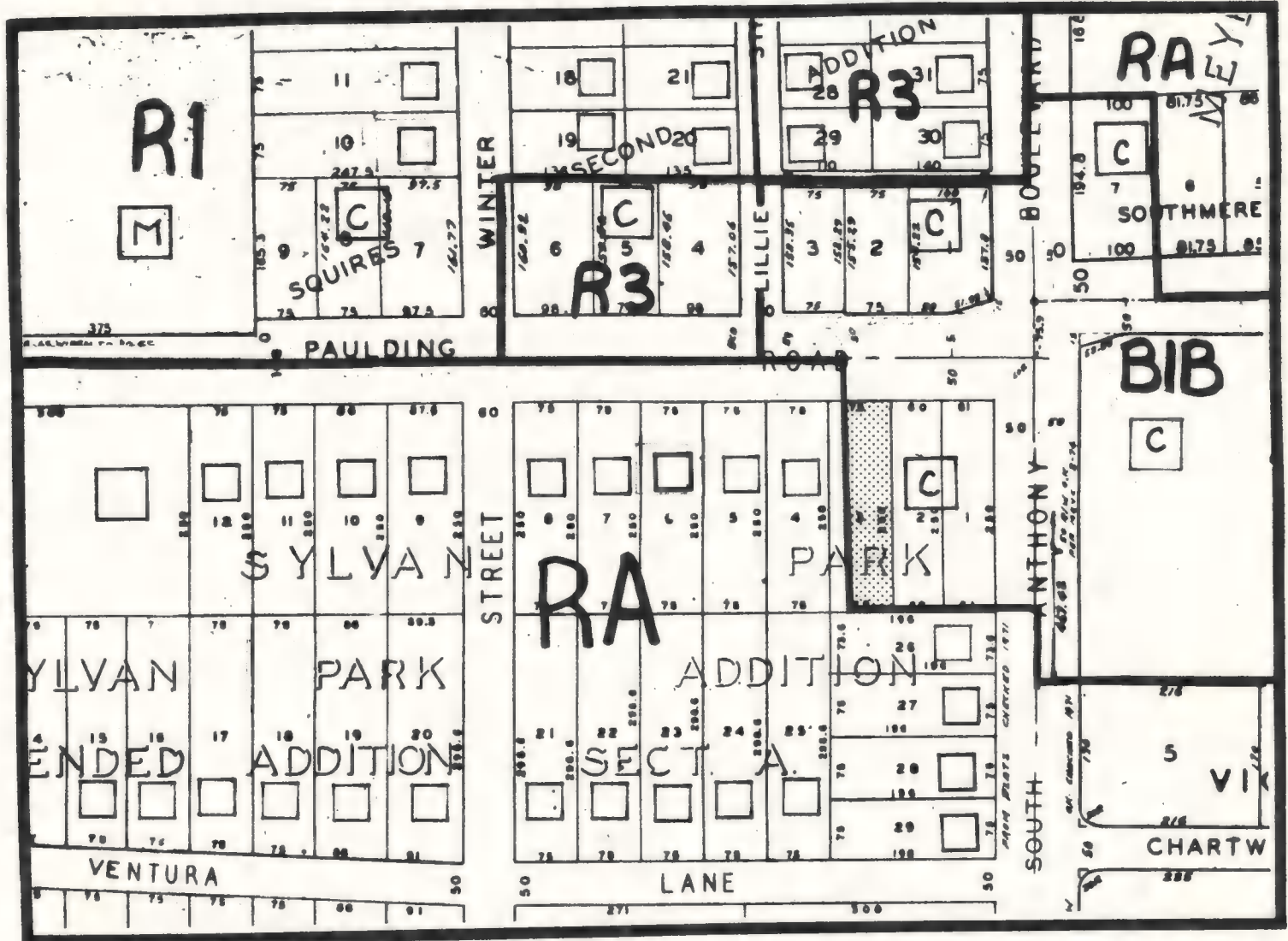
Reference or Case Number

REZONING PETITION #217

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1-B TO A B-3-B DISTRICT

MAP NO. O-23

COUNCILMANIC DISTRICT NO. 6



ZONING:

- RA RESIDENCE 'A'
- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- BIB LIMITED BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY
- ☒ COMMERCIAL

SCALE: 1" = 200'

DATE: 7-31-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 26, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-08-28; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 15, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

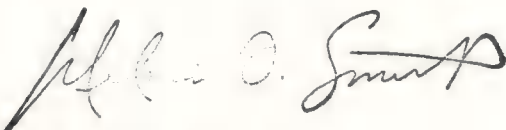
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 22, 1986.

Certified and signed this
25th day of September 1986.



Melvin O. Smith
Secretary

Proposal: David Lybarger request a rezoning from B-1-B to B-3-B

Location: 1718 E. Paulding Road

Legal: East 63 ft. of Lot 3 Sylvan Park Sec. A

Zoning: B-1-B

Land Area: Approximately 0.36 Acres

Surroundings:	North	B-1-B & R-3	Commercial & Residential
	South	RA	Residential
	East	B-1-B	Commercial
	West	RA	Residential

Reason for Request: Not stated

Comprehensive Plan: The General Land Use policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods.

Planning Staff Discussion:

This area has commercial uses located on the corner, with residential uses abutting both to the west and south. The Comprehensive Plan indicates commercial development at this intersection, and extending along Anthony Blvd.

The B-1-B classification is designated as "Limited Business", with B-3-B indicating a more intense general business usage. Permitted uses could include auto repair, nightclubs, shooting galleries, or arcade centers. These intensified uses could have drastic impact on the abutting residences.

The Plan Commission has been very careful regarding commercial encroachment into residential areas, and regarding intensifications of use. The immediate area does not have any B-3-B classified properties. Approval would therefore set a precedent and would permit intensification of use which is not in keeping with established uses in the area.

Change of Zone #217 Paulding Rd. cont.

Recommendation: Do Not Pass

- 1) Approval would adversely impact the residential properties in the area.
- 2) Approval would create a 'Spot Zone', which would not serve any buffering purpose.
- 3) Acknowledging the commercial uses in the area, and the Comprehensive Plan, this request is not in keeping with established land use policies of the Commission.
- 4) Approval would establish a precedent that could lead to future intensification of uses in the area, to the detriment of surrounding uses.

SAM TALARICO
President of the Common Council
City of Fort Wayne, Indiana


Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers:

158/86/E
159/86/E
160/86/E
161/86/E
162/86/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,



Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 158/86/E
159/86/E
160/86/E)
161/86/E
162/86/D

I hereby certify that I did this 29th day of
September, 1986 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 158/86/E
159/86/E of the Board of Public
160/86/E & 161/86/E 162/86/D
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1986.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 158/86/E

(Adopted September 24, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 122/86/E: STOP

INTERSECTION (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated September 23, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

September 24, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Fairlawn Pass -- stop -- for Glencairn Drive

REGULATORY RESOLUTION NO. 159/86/E

(Adopted September, 24, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 123/86/E: STOP

INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 23, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

September 24, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION

(EMERGENCY) -

Stophlet Street -- stop -- for Reidmiller Avenue

REGULATORY RESOLUTION NO. 160/86/E

(Adopted September 24, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to IMPAIRED MOBILITY PARKING (RESIDENTIAL)

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated September 23, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

September 24, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

737 Walnut Street -- south side -- from 70' east of Fox Avenue
to 20' east thereof

REGULATORY RESOLUTION NO. 161/86/E

(Adopted September 24, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to 2 HR. PARKING 8 A.M. - 6 P.M. (EMERGENCY) &

DELETE: NO PARKING (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 24, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

September 24, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

2 HR. PARKING 8 A.M. - 6 P.M. (EMERGENCY)

North Side Drive -- east side -- from East State Blvd. to 700' north thereof

DELETE: NO PARKING (EMERGENCY)

North Side Drive -- east side -- from East State Blvd. to 700' north thereof

REGULATORY RESOLUTION NO. 162/86/D

(Adopted September 29, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-51 of said chapter delegates to this Board authority to NO PARKING (DELEGATED)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 29, 19 86, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-51 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

_____, 19____, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Woodmark Drive -- north side -- from Reed Road to 110' east thereof

Woodmark Drive -- south side -- from Reed Road to 60' east thereof

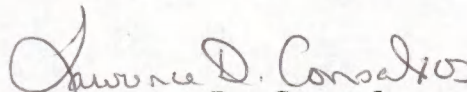
SAM TALARICO
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 163/86/E
164/86/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,

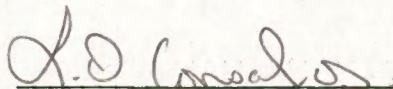
A handwritten signature in dark ink, appearing to read "Lawrence D. Consalvos". The signature is fluid and cursive, with the first name "Lawrence" and last name "Consalvos" clearly legible.

Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 163/86/E
164/86/D)

I hereby certify that I did this 6th day of
October, 1986 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 163/86/E
164/86/D of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1986.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 163/86/E

(Adopted September 30, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 163/86/E: STOP

INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated September 26, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

September 30, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Guildford Avenue -- stop -- for Fox Avenue

Huestis Avenue -- stop -- for Fox Avenue

REGULATORY RESOLUTION NO. 164/86D

(Adopted October 2, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-51 of said chapter delegates to this Board authority to NO PARKING 7 A.M. to 4 P.M.

SCHOOL DAYS ONLY (DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 1, 19 86, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-51 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

October 2, 19 86, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING 7 A.M. to 4 P.M. SCHOOL DAYS ONLY (DELEGATED)

Warren Street -- west side -- from 105' south of Maumee Avenue to 45' south thereof